

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY E. SHEPARD and the ILLINOIS	)	
STATE RIFLE ASSOCIATION,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	No. 11-405-WDS
	)	
LISA M. MADIGAN, solely in her official	)	
capacity as ATTORNEY GENERAL OF	)	
ILLINOIS, GOVERNOR PATRICK J.	)	
QUINN, solely in his official capacity as	)	
Governor of the State of Illinois,	)	
TYLER R. EDMONDS, solely in his	)	
official capacity as the State's Attorney	)	
of Union County, Illinois, and SHERIFF	)	
DAVID LIVESAY, solely in his official	)	
capacity as Sheriff of Union County,	)	
	)	
Defendants.	)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S**  
**MOTION TO CITE SUPPLEMENTAL AUTHORITY**

COME NOW the defendants, Lisa Madigan, Governor Patrick J. Quinn, and Tyler R. Edmonds, by and through their counsel, LISA MADIGAN, Attorney General of the State of Illinois, and hereby respond to the plaintiffs' motion to cite supplemental authority, stating:

**I. INTRODUCTION**

Plaintiffs have offered as authority in this case, an order, with no analysis, which accepted the parties' agreement on fees in a case filed in the Northern District of Illinois. Plaintiffs offer this as an express finding that their fees are reasonable. Plaintiffs make the conclusory assertion that this order provides support for the payments that their fees are reasonable.

## II. ARGUMENT

The district court order offered by plaintiffs is without precedential value. *Anderson v. Romero*, 72 F.3d 518, 525 (7<sup>th</sup> Cir. 1995) (“District court decisions have no weight as precedent, no authority.”). While the Seventh Circuit did not discount the value a district court case may have as persuasive authority, the order offered by plaintiffs is completely devoid of analysis, which is to be expected when the Court is merely adopting the negotiated agreement of the parties. Because the order offers no analysis, the persuasive value of the order is also nil.

That leaves open the questions of whether, instead of judicial authority as claimed by plaintiffs, the submission has some value as evidence of the reasonableness of plaintiffs’ fees. In the present case, it does not. The first problem faced by plaintiffs is that the rates attorneys might receive in Chicago have no bearing on the issues in this case. Attorneys fees must be based on the local market rate. *Montancz v. Simon*, \_\_ F.3d \_\_, 2014 WL 2757472 (7<sup>th</sup> Circ. 6/18/14). Because the rates in Chicago differ greatly from those in Springfield, the submission is irrelevant.

Secondly, as evidence, the submission lacks any foundation. Plaintiffs have offered nothing to substantiate what the hours represent, what steps the litigation entailed, or what concessions were made by plaintiffs as part of the negotiating process with the City of Chicago. Without such information, the submissions lack the foundation to be admissible.

Finally, to the extent that the submissions are offered to suggest that the City of Chicago endorses plaintiffs’ rates as reasonable, the submissions are hearsay. F.R.E. 801. No statement by anyone from the City of Chicago was supplied under oath in this case. Furthermore, there is nothing that reflects the mental process of anyone from the City of Chicago.

**CONCLUSION**

The submission offered by plaintiffs have no value as precedential or persuasive authority and are inadmissible as evidence. Plaintiffs' motion to cite supplemental authority shall be denied.

WHEREFORE for the above and foregoing reasons, defendants, Lisa Madigan and Governor Patrick J. Quinn pray that this honorable Court deny plaintiffs' motion to cite supplemental authority.

Respectfully submitted,

LISA MADIGAN, GOVERNOR PARTICK  
J. QUINN, and TYLER EDMONDS,

Defendants,

Terence J. Corrigan, #6191237  
Assistant Attorney General  
Attorney for Defendants  
500 South Second Street  
Springfield, IL 62706  
Telephone: (217) 782-5819  
Facsimile: (217) 524-5091  
[tcorrigan@atg.state.il.us](mailto:tcorrigan@atg.state.il.us)

LISA MADIGAN, Attorney General  
State of Illinois,

Attorney for Defendants.

By: /s/Terence J. Corrigan  
Terence J. Corrigan  
Assistant Attorney General

### CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, I electronically filed Defendants' Response to Plaintiffs' Motion to Cite Supplemental Authority with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Charles J Cooper [ccooper@cooperkirk.com](mailto:ccooper@cooperkirk.com)

David H. Thompson [dthompson@cooperkirk.com](mailto:dthompson@cooperkirk.com),

Jonathan Lee Diesenhaus [jonathan.diesenhaus@hoganlovells.com](mailto:jonathan.diesenhaus@hoganlovells.com)

Joseph A. Bleyer [jableyer@bleyerlaw.com](mailto:jableyer@bleyerlaw.com)

K. Rockne Bleyer [kbleyer@bleyerlaw.com](mailto:kbleyer@bleyerlaw.com)

William N Howard [whoward@lockelord.com](mailto:whoward@lockelord.com)

and I hereby certify that on July 23, 2014, I mailed by United States Postal Service, the document to the following nonregistered participant:

None

Respectfully submitted,

By: /s/Terence J. Corrigan  
Terence J. Corrigan  
Assistant Attorney General  
Attorney for Defendants  
500 South Second Street  
Springfield, IL 62706  
Telephone: (217) 782-5819  
Facsimile: (217) 524-5091  
[tcorrigan@atg.state.il.us](mailto:tcorrigan@atg.state.il.us)